



JAN 27 2010

The Position of the
Mattabeseck Audubon Society
with regards to
Connecticut Department of
Environmental Protection
Proposed Stream Flow Standards
and Regulations

January 24, 2010

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Biome: Stream and River Systems

**Reviewed by: Mattabeseck Audubon Society
January 24, 2010**

Introduction

In 2005, the State Legislature, through the passage of Public Act 05-142 mandated that the Connecticut Department of Environmental Protection revise Stream Flow Standards and Regulations and include all stream and river systems in the state of Connecticut.

Public Notice of the newly-revised Stream Flow Standards and Regulations was published on October 13, 2009.

Reasons for Concern:

1. The decision to exempt from the regulations portions of a river that are tidally influenced is problematic. The Connecticut River is tidal all the way to Hartford, and several of its tributaries are also tidal: the Lieutenant River in Lyme, the lower Salmon River in Hadlyme, and the Mattabesset River in Middletown are some examples. Unless there is some other mechanism for protecting and monitoring these rivers from over-exploitation, the proposed Stream Flow Standards should incorporate these river systems.
2. The Class 4 designation must be redefined. While acknowledging that some rivers and streams are severely impacted and depleted, the absolute goal of stream flow standards and regulations should parallel the goals for drinking water, i.e., that no supply should be consigned to permanent degradation without the promise, however

slight, of future rehabilitation. Indeed, the most important scope of the stream flow standards should be that no river or stream of higher classification ever be allowed to devolve to a lower classification. There will always be an economic reason to impact the water supply, and there must be absolutes that help prevent or limit those impacts.

Recommendations:

The Mattabeseck Audubon Society recommends the following:

1. That protection for tidal-influenced rivers and streams be clarified.
2. That the Class 4 designation be re-written to reflect the absolute goal of future improvement.
3. That as a matter of policy, reclassifying streams and rivers from a "more natural" to a "less natural" designation be limited only to extreme hardship and danger to the public health.

Conclusion:

1. The importance of these regulations cannot be underestimated. It has been 40 years since stream-flow standards have been addressed and genuine science-based regulations are critically needed; they will afford an insurance policy for the future. The ecology of numerous streams and tributaries in Connecticut are in critical imbalance. Other streams and rivers are simply unprotected.
2. The science-based regulations will also be economical, in that they will eliminate future litigation such as the Shepaug River case.

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